

DECLARATION FOR NON-PROVISIONAL PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below at 201 et seq. beneath my name.

I believe I am the original, first and sole inventor if only one name is listed at 201 below, or an original, first and joint inventor if plural names are listed at 201 et seq. below, of the subject matter which is claimed and for which a patent is sought on the invention entitled

COCOA POLYPEPTIDES AND THEIR USE IN THE PRODUCTION OF COCOA AND CHOCOLATE FLAVOR

and for which a patent application:

- ☒ is attached hereto and includes amendment(s) filed on _____ (if applicable)
☐ was filed in the United States on _____ as Application No. _____ (declaration not accompanying application) with amendment(s) filed on _____ (if applicable)
☐ was filed as PCT international Application No. _____ on _____ and was amended under PCT Article 19 on _____ (if applicable)

I hereby state that I have reviewed and understand the contents of the above identified application, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code, § 119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

EARLIEST FOREIGN APPLICATION(S), IF ANY, FILED PRIOR TO THE FILING DATE OF THE APPLICATION			
APPLICATION NUMBER	COUNTRY	DATE OF FILING (day, month, year)	PRIORITY CLAIMED
01110251.4	EP	25 April 2001	<input checked="" type="checkbox"/> YES <input type="checkbox"/> NO
			<input type="checkbox"/> YES <input type="checkbox"/> NO

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below.



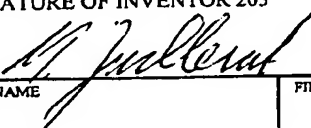
PROVISIONAL APPLICATION NUMBER	FILING DATE

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information known to me which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application:

NON-PROVISIONAL APPLICATION NO.	FILING DATE	STATUS		
		PATENTED	PENDING	ABANDONED
PCT/EP02/04258	April 17, 2002		X	

* for use only when the application is assigned to a company, partnership or other organization.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

2 0 1	FULL NAME OF INVENTOR	LAST NAME KOCHHAR	FIRST NAME Sunil	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY Savigny	STATE OR FOREIGN COUNTRY Switzerland	COUNTRY OF CITIZENSHIP India	
	POST OFFICE ADDRESS	STREET Claes-aux-Moines	CITY Savigny	STATE OR COUNTRY Switzerland	ZIP CODE CH-1073
		SIGNATURE OF INVENTOR 201 		DATE 20 Oct, 2003	
2 0 2	FULL NAME OF INVENTOR	LAST NAME HANSEN	FIRST NAME Carl	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY Epalinges	STATE OR FOREIGN COUNTRY Switzerland	COUNTRY OF CITIZENSHIP Norway	
	POST OFFICE ADDRESS	STREET Ch. du Pré-d'Yverdon 5E	CITY Epalinges	STATE OR COUNTRY Switzerland	ZIP CODE CH-1066
		SIGNATURE OF INVENTOR 202 		DATE 2003-10-20	
2 0 3	FULL NAME OF INVENTOR	LAST NAME JUILLERAT	FIRST NAME Marcel	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY Lausanne 26	STATE OR FOREIGN COUNTRY Switzerland	COUNTRY OF CITIZENSHIP Switzerland	
	POST OFFICE ADDRESS	STREET Ch. Praz-Dom-Nicod 10 Vers-Chez-Les-Blancs	CITY Lausanne 26	STATE OR COUNTRY Switzerland	ZIP CODE CH-1000
		SIGNATURE OF INVENTOR 203 		DATE 2003-10-20	
2 0 4	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE
		SIGNATURE OF INVENTOR 204		DATE	
2 0 5	FULL NAME OF INVENTOR	LAST NAME	FIRST NAME	MIDDLE NAME	
	RESIDENCE & CITIZENSHIP	CITY	STATE OR FOREIGN COUNTRY	COUNTRY OF CITIZENSHIP	
	POST OFFICE ADDRESS	STREET	CITY	STATE OR COUNTRY	ZIP CODE
		SIGNATURE OF INVENTOR 205		DATE	

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: KOCHHAR et al.

Confirmation No.: Unknown

Application No.:

Group Art Unit: Unknown

Filing Date: Filed Herewith

Examiner: Unknown

For: COCOA POLYPEPTIDES AND THEIR USE
IN THE PRODUCTION OF COCOA AND
CHOCOLATE FLAVOR

Attorney Docket No.: 88265-6820

**POWER OF ATTORNEY BY ASSIGNEE
AND EXCLUSION OF INVENTOR(S) UNDER 37 C.F.R. 3.71**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The undersigned assignee of the entire interest in the above-identified subject application hereby appoints Allan A. Fanucci (Reg. No. 30,256) and Daniel J. Hulseberg (Reg. No. 36,554) of WINSTON & STRAWN LLP (Customer No. 28765) to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith.

Please direct all correspondence for this application to Customer No. 28765 to the attention of Allan A. Fanucci (telephone 212-294-3311, facsimile 212-294-4700).

An assignment of the entire interest in the above-identified subject application is submitted herewith for recording and a copy is attached.

The undersigned has reviewed this assignment and, to the best of her knowledge, title is in the assignee seeking to take action in this application and that she is empowered to act on its behalf.

ASSIGNEE:

NESTEC S.A.

Signature:



Date of Signature:

23rd October 2003

Typed Name:

Paula Nelson

Position/Title:

Vice President

Address:

Avenue Nestlé 55

1800 Vevey, Switzerland

ASSIGNMENT

WHEREAS, each of

Sunil KOCHHAR, a citizen of India residing at Claies-aux-Moines, CH-1073 Savigny, Switzerland;

Carl Erik HANSEN, a citizen of Norway residing at Ch. du Pré-d'Yverdon 5E, CH-1066 Epalinges, Switzerland; and

Marcel-Alexandre JUILLERAT, a citizen of Switzerland residing at Ch. Praz-dom-Nicod 10, Vers-Chez-Les-Blancs, CH-1000 Lausanne 26, Switzerland,

ASSIGNORS, are the inventors of the invention in **COCOA POLYPEPTIDES AND THEIR USE IN THE PRODUCTION OF COCOA AND CHOCOLATE FLAVOR**, for which an application for a Patent of the United States, identified by Winston & Strawn Docket No. 88265-6820:

- ☒ is executed on even date herewith
☐ was filed on _____ as Application No. _____.

WHEREAS, **NESTEC S.A.**, a Swiss corporate body having a place of business at Avenue Nestlé 55, 1800 Vevey, Switzerland, ASSIGNEE, is desirous of obtaining each inventor's entire right, title and interest in, to and under the said invention and the said application.

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to each inventor in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, each ASSIGNOR has sold, assigned, transferred and set over, and by these presents does hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, his or her entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof;

And each ASSIGNOR hereby authorizes and requests the Commissioner of Patents and Trademarks of the United States, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument;

Date

2003-10-20

Carl Erik HANSEN
Carl Erik HANSEN

Carl Erik Hansen

On 20 octobre, 2003, before me Sunita Puert,
Witness, appeared **Carl Erik HANSEN**, to me known and known to me to be the person of
that name, who signed the foregoing instrument, and acknowledged the same to be his/her
free act and deed.

Sunita Puert
Witness

Date

2003 10 20

Marcel-Alexandre JUILLERAT
Marcel-Alexandre JUILLERAT

M. Juillerat

On 2003-10-20, 2003, before me GUDEL-WATSON A-M,
Witness, appeared **Marcel-Alexandre JUILLERAT**, to me known and known to me to be
the person of that name, who signed the foregoing instrument, and acknowledged the same to
be his/her free act and deed.

Guadel
Witness

Guadel

And each ASSIGNOR hereby covenants and agrees that he or she has the full right to convey the entire interest herein assigned, and that he or she has not executed, and will not execute, any agreement in conflict herewith;

And each ASSIGNOR hereby further covenants and agrees that he or she will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to him or her respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, and reissue applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention;

And each ASSIGNOR hereby authorizes the ASSIGNEE's patent attorney to complete this form by the addition of the application number, application filing date, and attorney docket number, if necessary.

In witness whereof, each inventor has affixed his or her signature.

20 oct 2003
Date

Sunil Kochhar
Sunil KOCHHAR

On 20 oct 2003, 2003, before me Isabelle Tavares,
Witness, appeared **Sunil KOCHHAR**, to me known and known to me to be the person of
that name, who signed the foregoing instrument, and acknowledged the same to be his/her
free act and deed.

Isabelle Tavares
Witness